

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 364 of 2023

Smt. Shipra Sharma

---Petitioner(s)

Versus

State of Tripura and 2 Ors.

---Respondent(s)

For Petitioner(s)	: Mr. S. S. Debnath, Adv.
For Respondent(s)	: Mr. M. Debbarma, Addl. GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

06.07.2023

Heard Mr. S.S. Debnath, learned counsel appearing for the petitioner as well as Mr. M. Debbarma, learned Addl. GA appearing for the respondents.

This is an application under Article 226 of the Constitution of India.

This is the case of the petitioner that she was employed as Multi Purpose Worker (Female) under the Respondent No.2 & 3 and served continuously for about 37 years. In the last years of service, after intimating about her superannuation, she was transferred to a remote area of Mohanpur Sub-Division far from her home town Agartala, violating the direction of the Government of Tripura vide Memorandum dated 24.08.1993. Therefore, the petitioner approached this court by filing a writ petition being WP(C)211 of 2022 in which the Hon'ble High Court by its order dated 27.06.2022 directed the respondents to permit the petitioner to work in the existing place of posting till she attains the age of superannuation. Insofar as, the payment of the salary is concerned, the respondents were directed to consider the same and pass appropriate order(s), in accordance with law, before 31st August, 2022. But till date, on several requests by the petitioner and her counsel the respondents neither complied the order of the Hon'ble High Court nor released the service benefits including Gratuity, leave salary, commutation of pension, etc to the petitioner.

Aggrieved by the said action of the respondents, the petitioner herein as approached before this court seeking the following reliefs:

1. *Issue rule asking the respondents to show cause as to why action should not be taken against the respondents for non-compliance of the direction given in the order dated 27.06.2022 passed by the Hon'ble Court in W.P(C) 211 of 2022.*
2. *After hearing the parties and examining the records, give a direction to the respondents to release the service benefits including Gratuity of Rs.10,00,000/- leave salary of Rs.7,14,960/-, commutation of pension of Rs.13,01,863/- etc to the*

petitioner, along with interest @ Bank interest from the date of superannuation i.e. 31.08.2022 till date of payment and/or

3. *After hearing the parties and examining the records make the Rule in terms of (1) and (2) above absolute; and/or*
4. *Pass any other order/orders as may be deemed fit and proper for ends of justice.*

It is further contended by the counsel for the petitioner that the respondent without complying the order dated 27.06.2022 passed by this court served a letter dated 07.11.2022 which reached to the petitioner on 22.11.2022.

In view of the same, this court is of the view that the impugned letter dated 07.11.2022 issued by the respondents to the petitioner has been communicated without application of mind and not in terms of the order dated 27.06.2022 passed by this court. Therefore, the same is liable to be set aside.

Accordingly, the same stands set aside.

Moreover, the respondents is directed to take a pragmatic view and pass a speaking order in accordance with law and communicate the same to the petitioner within a month from the date of receipt of the copy of this order. It is made absolutely clear that the respondents shall also release all the monetary benefits to which the petitioner is entitled to.

With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

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